

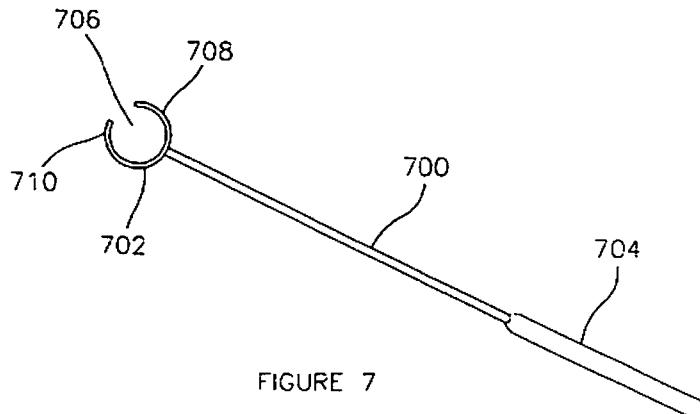
**REMARKS**

The above-identified application has been considered in view of the Office Action that was mailed on March 21, 2008. Claims 1-10 and 12-15 are currently pending. By the present Amendment, Applicants have amended claims 1-8. It is respectfully submitted that these amendments add no new matter, are fully supported by the specification, and are allowable over the cited references. In view of the amendments to the claims and the following remarks and arguments, Applicants respectfully submit that the pending claims are in condition for allowance, and respectfully request reconsideration and allowance of the above-identified application.

Claims 1-10 and 12-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,591,183 to Chin (hereinafter “Chin”) in view of U.S. Patent No. 5,423,842 to Michelson (hereinafter “Michelson”). Applicants respectfully submit, however, that the combination of Chin and Michelson fails to suggest each and every element recited in claims 1-10 and 12-15.

As amended, independent claims 1, 3, 5, and 7 each recites a method for harvesting, separating, or dissecting an artery comprising the step of providing an instrument that includes a rod having first and second segments that define an obtuse angle therebetween, wherein the second segment includes first and second sideways hooks that are “spaced longitudinally from each other.” Each of independent claims 1, 3, 5, and 7 further recites that the first sideways hook extends “radially outward from the second segment in a first direction” and that the second sideways hook extends “radially outward from the second segment in a second direction, wherein the first direction is different from the second direction.”

Chin describes a dissection instrument 700 having a shaft 704 with an open ring 702 attached thereto that includes respective first and second cutting edges 708, 710, as seen below in FIG. 7. (See col. 8, lines 1-13).



In the Office Action, the Examiner characterized the first and second cutting edges 708, 710 as the first and second sideways hooks recited in independent claims 1, 3, 5, and 7. The Examiner acknowledged that Chin fails to disclose a rod having first and second segments that define an obtuse angle therebetween, and relied on Michelson for disclosure of that concept.

Chin's cutting edges 708, 710 constitute different arc segments of the same ring structure 702. The cutting edges 708, 710 are attached to the shaft 704 at coincident points, and are therefore not "spaced longitudinally from each other" as recited in each of amended independent claims 1, 3, 5, and 7. Even if it is assumed, *arguendo*, that the Examiner's characterization of Michelson is accurate, including the rod having first and second segments defining an obtuse angle therebetween purportedly disclosed therein would fail to cure the deficiencies of Chin.

Accordingly, and for at least this reason, *inter alia*, Applicants respectfully submit that that combination of Chin and Michelson fails to suggest each and every element recited in amended independent claims 1, 3, 5, and 7, and therefore, that amended independent claims 1, 3, 5, and 7 are allowable over Chin in view of Michelson under 35 U.S.C. § 103(a). As claims 2, 4,

6, 8-10, and 12-15 depend from amended independent claims 1, 3, 5, and 7. Applicants respectfully submit that claims 2, 4, 6, 8-10, and 12-15 are also allowable over Chin in view of Michelson under 35 U.S.C. § 103(a).

Claims 1-10 and 12-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,122,152 to Mull (hereinafter "Mull") in view of Michelson. Applicants respectfully submit that the combination of Mull and Michelson fails to suggest each and every element recited in claims 1-10 and 12-15.

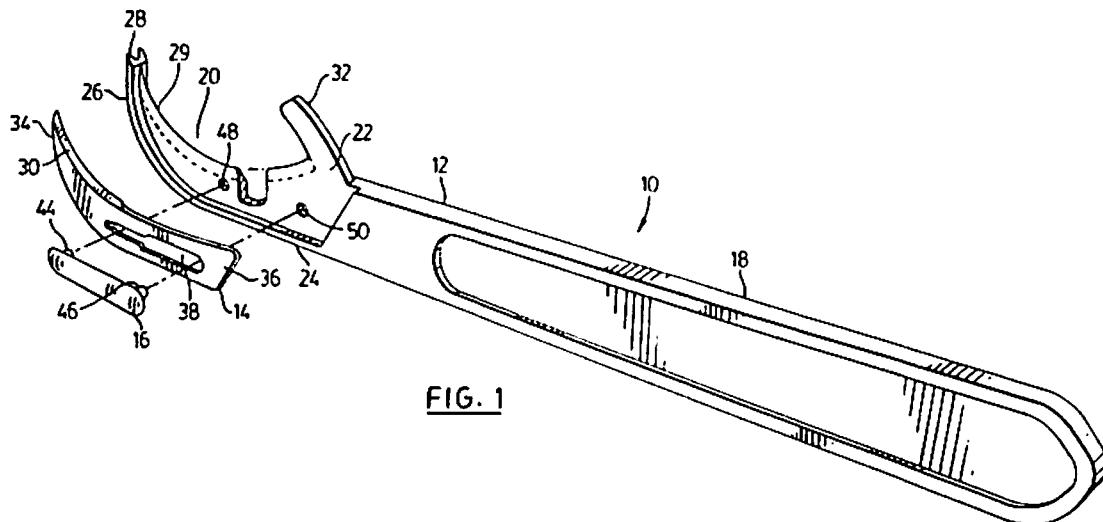


FIG. 1

In the Office Action, the Examiner respectively characterized the tip 28 at the head 20 of Mull's apparatus and the blade guard 32 as the "first sideways hook" and the "second sideways hook" recited in claims 1-10 and 12-15. The Examiner recognized that Mull fails to disclose a rod having first and second segments subtending an obtuse angle therebetween, and relied on Michelson for disclosure of that concept.

As seen in FIG. 1 of Mull above, the curved portions of the head 20 each extend radially outward in the same direction, i.e., upwardly in relation to the handle 18. Accordingly, Applicants respectfully submit that Mull fails to disclose an instrument including a slender rod having first and second segments, wherin the second segment includes a "first sideways hook

extending radially outward from the second segment in a first direction“ a “second sideways hook extending radially outward from the second segment in a second direction, wherein the first direction is different from the second direction“ as recited in amended independent claims 1, 3, 5, and 7. Even if it is assumed, *arguendo*, that the Examiner’s characterization of Michelson is accurate, including the rod having first and second segments defining an obtuse angle therebetween purportedly disclosed therein would fail to cure the deficiencies of Mull.

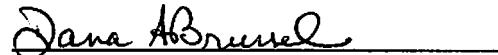
Accordingly, and for at least this reason, *inter alia*, Applicants respectfully submit that the combination of Mull and Michelson fails to suggest each and every element recited in amended independent claims 1, 3, 5, and 7, and therefore, that amended independent claims 1, 3, 5, and 7 are allowable over Mull in view of Michelson under 35 U.S.C. § 103(a). As claims 2, 4, 6, 8-10, and 11-15 depend from amended independent claims 1, 3, 5, and 7, Applicants respectfully submit that claims 2, 4, 6, 8-10, and 11-15 are also allowable over Mull in view of Michelson under 35 U.S.C. § 103(a).

In view of the amendments to the claims effected herein and the foregoing remarks and arguments, Applicants respectfully submit that the pending claims are in condition for allowance, and accordingly, respectfully request reconsideration and allowance of the above-identified application.

Should the Examiner believe that a telephone interview may facilitate prosecution of this application, the Examiner is respectfully requested to telephone Applicant's undersigned representative at the number indicated below.

Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. § 1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account No. 21-0550. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 21--0550 therefor.

Respectfully submitted,

  
Dana A. Brussel  
Reg. No. 45,717  
Attorney for Applicants

**CARTER, DELUCA, FARRELL & SCHMIDT, LLP**  
445 Broad Hollow Road - Suite 225  
Melville, New York 11747  
Tel.: (631) 501-5713  
Fax: (631) 501-3526

**Send correspondence to:**

Chief Patent Counsel  
COVIDIEN  
60 Middletown Avenue  
North Haven, Connecticut 06473